

DECISION

18420 *masher*
Qua. II
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-196853

DATE: June 10, 1981

MATTER OF: Bohdan P. Gregolynskyi

DIGEST: An employee of the Department of the Army serving in Korea returned 5,189 pounds of his household goods to his place of actual residence in New York prior to his transfer from Korea. Upon a subsequent permanent change of station he shipped 350 pounds of unaccompanied baggage from Korea to the new duty station in Virginia and requested reimbursement for shipment of 10,860 pounds from New York to the new duty station. His prior shipment of household goods from Korea to place of actual residence is authorized under 5 U.S.C. § 5729(a) (1976) and Federal Travel Regulations but was in lieu of, not in addition to, his later entitlement upon his transfer to Virginia. Shipment of unaccompanied baggage from Korea and household goods from New York to new duty station on a subsequent change of station is authorized by 5 U.S.C. § 5724 (1976) and Federal Travel Regulations but may not exceed the cost of direct shipment from Korea to the new duty station less the amount previously paid for the prior shipment from Korea to the actual residence in New York State under 5 U.S.C. § 5729.

The issue presented in this case is to what extent an employee may be reimbursed for shipment of household goods upon a permanent change of station from Korea to Virginia where there had been a prior shipment of the household goods from Korea to the employee's place of actual residence in New York State almost 2 years before the change of station. At the time of the change of station, unaccompanied baggage of 350 pounds was shipped from Korea to Virginia on a Government Bill of Lading and the employee seeks reimbursement for 10,860 pounds of household goods shipped at his own expense from the place of actual residence in New York State to the new duty station in Virginia. The shipment upon the change of station may not exceed the cost of direct shipment from the old duty station to the new duty station less any amount previously paid for shipment from the old overseas duty

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station to the actual place of residence as a prior shipment under 5 U.S.C. § 5729.

The matter was submitted by the Finance and Accounting Officer, Fort Eustis, Virginia, for an advance decision on a voucher payable to Mr. Bohdan P. Gregolynskyi. It has been assigned Control Number 79-36 by the Per Diem, Travel and Transportation Allowance Committee.

Mr. Gregolynskyi, an employee of the Department of the Army with a permanent duty station in Korea, received orders dated June 7, 1976, for renewal agreement travel for himself and five dependents, and shipment of household goods not in excess of 1,000 pounds from Seoul, Korea, to Rochester, New York, and return. The travel orders, among other things, indicated that Mr. Gregolynskyi would complete the minimum period of service for the command in Korea on August 28, 1976, and that he had signed a new transportation eligibility agreement on April 5, 1976, for 24 months. The orders of June 7, 1976, were amended by orders dated August 23, 1976. The amended travel orders authorized the shipment of household goods not in excess of 4,000 pounds. Mr. Gregolynskyi made a shipment of 2,256 pounds of household goods in June 1976 and 2,933 pounds of household goods in October 1976 from Seoul, Korea, to Rochester, New York. It also appears that the dependents did not return to Korea after the renewal agreement travel but remained in the area of Rochester, New York.

By orders dated May 4, 1978, Mr. Gregolynskyi was ordered transferred from Seoul, Korea, to Fort Eustis, Virginia. Those orders authorized the travel of dependents from Rochester, New York, to Fort Eustis and shipment of household goods not in excess of 11,000 pounds from Seoul, Korea, and Rochester, New York, to Fort Eustis. Mr. Gregolynskyi shipped 350 pounds of unaccompanied baggage from Seoul to Fort Eustis. He shipped 10,860 pounds of household goods from Rochester to Fort Eustis at personal expense and has submitted a claim for reimbursement based on the commuted rate in the amount of \$2,195.36, which included in addition to the 10,860 pounds of household goods at \$20.10 per hundred pounds, an appliance service charge at origin of \$7.50 and at destination of \$5.

Transportation of household goods on renewal agreement travel is specifically excluded in 5 U.S.C. § 5728(a). Therefore, to the extent that the orders of June 7 and August 23,

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1976, authorized shipment of household goods, such orders were in error. However, Mr. Gregolynskyi's shipments from Seoul, Korea, to Rochester, New York, in June and October 1976, were possible under the authority of 5 U.S.C. § 5729(a) and FTR para. 2-1.5g(5)(a). Under that authority shipment of the maximum authorized weight of 11,000 pounds is permitted. There is no indication that the two shipments from Korea in 1976 exceeded the cost of shipping the total weight allowable in one lot. See FTR para. 2-8.2d.

In view of the prior 5,189-pound shipment from Korea to the place of actual residence almost 2 years before the change-of-station orders were issued and the shipment of 350 pounds of unaccompanied baggage from Seoul to Fort Eustis, a question arises as to what entitlement, if any, the employee has for reimbursement of the shipment of 10,860 pounds of household goods from Rochester, New York, to Fort Eustis, Virginia, upon the change of station from Seoul to Fort Eustis.

The act of August 31, 1954, 68 Stat. 1008, which amended Section 7 of the Administrative Expenses Act, presently codified in 5 U.S.C. § 5729 (1976), provides that the expenses of transportation of the immediate family and shipment of household effects from the post of duty of such employee outside the United States to place of actual residence shall be allowed prior to the return of such employee to the United States when the employee has acquired eligibility for such transportation. Implementing regulations are contained in Federal Travel Regulations (FPMR 101-7) para. 2-1.5g(5)(a) (May 1973). Such transportation of both dependents and household goods is authorized even though the employee does not return himself. See 36 Comp. Gen. 10 at 13 (1956).

Further, as was pointed out in 36 Comp. Gen. 10, the 1954 amendment was not intended to increase the allowances or benefits of employees stationed overseas. It was merely to provide authority for the Government to pay for transportation of the immediate family and household effects of the employee in humanitarian or other compelling personal circumstances even though the employee had not yet qualified for such transportation. The act also provided Government financed transportation when the employee was qualified for transportation by virtue of his length of service overseas,

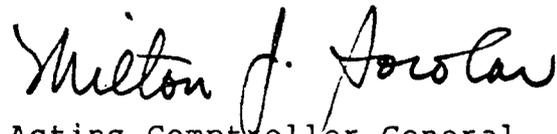
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but was not eligible for issuance of return travel orders because he was not being separated or reassigned at that time.

Thus, the return of dependents and household effects under the authority of 5 U.S.C. § 5729 is not in addition to but, in lieu of, transportation which would otherwise be authorized upon the employee's transfer or separation.

The shipment by Mr. Gregolynskyi of his goods from Seoul, Korea, to Rochester, New York, in June and October 1976, even though it apparently coincided with renewal agreement home leave, was authorized under the provisions of 5 U.S.C. § 5729(a) and FTR para. 2-1.5g(5)(a). Although the transportation of household goods from Korea to New York State was in two shipments, the amount which may be paid by the Government cannot exceed the cost of transporting the property in one lot by the most economical route. FTR para. 2-8.2d; B-187904, November 29, 1977; B-187736, May 31, 1977; and B-173557, August 30, 1971. There is no indication that the two shipments exceeded either the total authorized weight limitations or the cost of shipping in one lot. When Mr. Gregolynskyi received change-of-station orders from Korea to Fort Eustis, entitlement under 5 U.S.C. § 5724 and FTR para. 2-8.1 was to move household goods to Fort Eustis, to the extent that his entitlement had not previously been used by the transportation of those goods to Rochester. Since he shipped 350 pounds of unaccompanied baggage from Korea to Fort Eustis, he would only be entitled to ship 10,650 pounds of household goods from Rochester to Fort Eustis. However, the total cost of the two shipments could not exceed the cost of transporting the property in one lot by the most economical route from Korea to Fort Eustis less the amount previously paid for the prior return shipment to the actual residence.

The voucher submitted is being returned for payment, if any, in accordance with the above.


Acting Comptroller General
of the United States